

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAMANATE STANSBERRY,

Plaintiff,

-against-

MESSIAH NEAL, et al.,

Defendants.

1:24-CV-2227 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated August 19, 2024, the Court granted Plaintiff, who appears *pro se*, 60 days' leave to file an amended complaint. (ECF 8.) On August 21, 2024, the Clerk of Court mailed a copy of that order to Plaintiff at the Orange County Jail. In a letter received by the court on September 6, 2024, however, Plaintiff informed the court that he was then incarcerated in the Auburn Correctional Facility. (ECF 9.) In another letter received by the court on September 25, 2024, Plaintiff again informed the court that he was incarcerated in the Auburn Correctional Facility, and inquired about the status of this action, as he had not received "any response." (ECF 10.)

The Court understands Plaintiff's latest letter to be a request for an extension of time to the comply with the Court's August 19, 2024 order. The Court grants that request. The Court grants Plaintiff an additional 60 days from the date of this order to comply with the Court's August 19, 2024 order.<sup>1</sup> If Plaintiff fails to comply with the Court's August 19, 2024 order within the additional time granted, and if he cannot show good cause to excuse such failure, the

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<sup>1</sup> The Court has directed the Clerk of Court to mail copies of the docket sheet of this action and of the Court's August 19, 2024 order to Plaintiff at the Auburn Correctional Facility.

Court will dismiss this action for failure to state a claim on which relief may be granted, for the reasons set forth in the Court's August 19, 2024 order.

The Court certifies, under 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: October 21, 2024  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge